

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

GLADYS YOLTON, WILBUR MONTGOMERY,  
ELSIE TEAS, ROBERT BETKER, EDWARD  
MAYNARD, and GARY HALSTED, on  
behalf of themselves and a class of persons  
similarly situated,

Hon. Patrick J. Duggan

Case No. 02-CV-75164

Plaintiffs,

**CLASS ACTION**

v.

EL PASO TENNESSEE PIPELINE CO., and  
CNH AMERICA, LLC,

Defendants.

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**AFFIDAVIT OF MAILING NOTICE OF PROPOSED  
SETTLEMENT AGREEMENT PACKETS**

ROGER J. McCLOW states as follows:

1. I am Class Counsel in the above matter.
2. On September 16 and 17, 2011, Settlement Agreement Notice Packets were mailed to the 825 of the 833 deceased Class Members whose names are listed on Exhibit 1 to this Affidavit at their last known addresses. I did not have complete addresses for eight of the deceased Class Members listed on Exhibit 1. These packets consisted of 1) the Notice of Preliminary Approval entered by the Clerk on August 19, 2011; 2) The Class Counsel letter summarizing the Settlement Agreement dated September 15, 2011; 3) the Settlement Agreement with Exhibits A, B and J; 4) a Meeting Schedule showing the dates and times of the various meetings scheduled in October 2011 during which Class Counsel would explain the settlement and answer questions; and 5) the Motion for Attorney Fees (without exhibits).
3. On September 17, 2011, Settlement Agreement Notice Packets were mailed to the 84 Class Members from the Burr Ridge (Hinsdale) facility whose names are listed on Exhibit 2 to this Affidavit at their last known addresses. One person on the list, Karen Filipas was under 65 and therefore was mailed the Notice Packet for non-Medicare-eligible Class Members (see paragraph 8 below). These packets consisted of 1) the Notice of Preliminary Approval entered by the Clerk on August 19, 2011; 2) The Class Counsel letter summarizing the Settlement Agreement dated September 15, 2011; 3) the Settlement Agreement with Exhibits A, B and J; 4) the Summary Plan Description (Exhibit K to the Settlement Agreement); 5) a Class Counsel letter relating to enrollment in the Medicare Supplement Plan L; 6) the Meeting Schedule; and 7) the Motion for Attorney Fees (without exhibits).

4. On September 17, 2011, a Settlement Agreement Notice Packet was mailed to the one Medicare-eligible, Living Class Member residing in Massachusetts whose name is listed on Exhibit 3 to this Affidavit at his last known address. The packet consisted of 1) the Notice of Preliminary Approval entered by the Clerk on August 19, 2011; 2) The Class Counsel letter summarizing the Settlement Agreement dated September 15, 2011; 3) the Settlement Agreement with Exhibits A, B and J; 4) the Summary Plan Description (Exhibit K to the Settlement Agreement); 5) the Meeting Schedule; 6) a Class Counsel letter dated September 15, 2011 relating to enrollment in the Massachusetts version of the Medicare Supplement Plan; 7) a Benefit Outline for the Massachusetts version of Medicare Supplement Plan; and 8) the Motion for Attorney Fees (without exhibits).

5. On September 19, 2011, Settlement Agreement Notice Packets were mailed to the 27 Medicare-eligible, Living Class Members residing in Minnesota whose names are listed on Exhibit 4 to this Affidavit at their last known addresses. These packets consisted of 1) the Notice of Preliminary Approval entered by the Clerk on August 19, 2011; 2) The Class Counsel letter summarizing the Settlement Agreement dated September 15, 2011; 3) the Settlement Agreement with Exhibits A, B and J; 4) the Summary Plan Description (Exhibit K to the Settlement Agreement); 5) the Meeting Schedule; 6) the Class Counsel letter dated September 15, 2011 relating to enrollment in the Minnesota version of the Medicare Supplement Plan; 7) a Benefit Outline for the Minnesota version of Medicare Supplement Plan; and 8) the Motion for Attorney Fees (without exhibits).

6. On September 19, 2011, Settlement Agreement Notice Packets were mailed to the 845 Medicare-eligible, Living Class Members residing in Wisconsin whose names are listed on

Exhibit 5 to this Affidavit at their last known addresses. These packets consisted of 1) the Notice of Preliminary Approval entered by the Clerk on August 19, 2011; 2) The Class Counsel letter summarizing the Settlement Agreement dated September 15, 2011; 3) the Settlement Agreement with Exhibits A, B and J; 4) the Summary Plan Description (Exhibit K to the Settlement Agreement); 5) the Meeting Schedule; 6) the Class Counsel letter dated September 15, 2011 relating to enrollment in the Wisconsin version of the Medicare Supplement Plan; 7) a Benefit Outline for the Wisconsin version of Medicare Supplement Plan; and 8) the Motion for Attorney Fees (without exhibits).

7. On September 19-20, 2011, Settlement Agreement Notice Packets were mailed to the 1595 Medicare-eligible Class Members from facilities other than Burr Ridge whose names are listed on Exhibit 6 to this Affidavit at their last known addresses. These packets consisted of 1) the Notice of Preliminary Approval entered by the Clerk on August 19, 2011; 2) The Class Counsel letter summarizing the Settlement Agreement dated September 15, 2011; 3) the Settlement Agreement with Exhibits A, B and J; 4) the Summary Plan Description (Exhibit K to the Settlement Agreement); 5) a Class Counsel letter dated September 15, 2011 relating to enrollment in the Medicare Supplement Plan L; 6) the; and 7) the Motion for Attorney Fees (without exhibits).

8. On September 20, 2011, Settlement Agreement Notice Packets were mailed to the 49 Class Members whose names are listed on Exhibit 7 to this Affidavit at their last known addresses. These Class Members are those under age 65. These packets consisted of 1) the Notice of Preliminary Approval entered by the Clerk on August 19, 2011; 2) The Class Counsel letter summarizing the Settlement Agreement dated September 15, 2011; 3) the Settlement

Agreement with Exhibits A, B and J; 4) the Summary Plan Description (Exhibit K to the Settlement Agreement); 5) the Meeting; and 6) the Motion for Attorney Fees (without exhibits).

9. Since the mailings, many Notice packets were returned undelivered, most of which were addressed to deceased Class Members. My office and I made efforts to obtain new addresses and remail the packets, first before the meetings and then before the objections deadline. These efforts were initially directed primarily to the living Class Members although we also remailed Notice packets to the next of kin of deceased Class Members when we could locate them. The names of the persons whose Notice packets were returned, and the date and reason they were returned, as well as the date (if any) the packets were remailed and the address to which they were remailed, are recorded in the Chart attached as Exhibit 8.

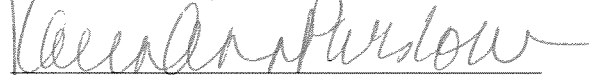
10. Approximately 128 Notice packets sent to living Class Members were returned undelivered. As of today, the Notice packets for eight (8) living Class Members have been returned for whom we have not been able to obtain correct addresses. Of these, five have been sent to new addresses at least once and have again been returned. Of the remaining three, Shirley Walker refused delivery of the Notice packet. I was informed that Kenneth Moran, whom I have listed as living, was deceased although I have been unable to find a record of his death. As to the remaining Class Member, Donald Willis, the packet was sent to his current address in Racine, Wisconsin but returned nevertheless. I sent several Notice packets to UAW Local 180 in Racine and Mr. Willis has been instructed to obtain a Notice packet there.

11. Of the deceased Class Members, approximately 320 Notice packets were returned undelivered. We have been able to locate next of kin for many of these deceased Class Members but, as of today, 239 of these Notice packets remain undelivered. We will continue

our efforts to contact the next of kin of these deceased Class Members so that they can participate in the Authorized Claim Procedure.

  
ROGER J. McCLOW

Subscribed and sworn to before  
me this 15th day of November 2011



KAREN ANN PURSLOW, Notary Public  
County of Oakland, State of Michigan  
My Commission Expires: April 19, 2014

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